



*Reexam*

Patent Application

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**MERGED REISSUE AND REEXAMINATION PROCEEDING**

Reissue Application No.: 10/805,686  
Confirmation N.: 8616  
Filed: 19 Mar 2004

Reexamination Control No.: 90/0007,487  
Confirmation No.: 5214  
Filed: 29 Mar 2005

Examiner: Naoko N. Slack  
Group Art Unit: 2800  
In re the Application of Richard J. Morris  
For: ROOF BATTEN

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**NOTICE OF ACTIVITY IN  
CONCURRENT PROCEEDING**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

U.S. Patent No. 6,357,193 ("the '193 Patent") is the subject of a combined reissue / reexamination proceeding. The '193 Patent is concurrently being asserted in litigation in Case No. 2:04CV01005 PGC in the United States District Court, Central District of Utah.

Battens Plus, Inc. sought the reexamination and is the defendant in the above-identified action. Pursuant to 37 CFR §1.565 and MPEP sections §§ 2207 and 2282, Battens Plus hereby requests that the Office be directed to recent documents filed in that action. The documents submitted for consideration and entry into the reissue / reexamination file include:

**MOTIONS FOR SUMMARY JUDGMENT**

- 1) Defendant Battens Plus, Inc.'s Third Motion for Summary Judgment;

- 2) Declaration of Michael S. Wilcox In Support of Defendant's Motions for Summary Judgment;
- 3) Declaration of Philip Dregger In Support of Defendant's Motions for Summary Judgment;
- 4) Declaration of Ted Anderson In Support of Defendant's Motions for Summary Judgment;
- 5) Memorandum of Law In Support of Plaintiff Diversi-Plast Products, Inc.'s Motion for Summary Judgment of Infringement and No Inequitable Conduct;
- 6) Declaration of Tye Biasco.

OTHER MOTIONS AND RELATED LITIGATION DOCUMENTS

- 7) Defendant Battens Plus, Inc.'s Request for Leave to Amend Answer;
- 8) Plaintiff Diversi-Plast Products, Inc.'s Memorandum of Law In Opposition to Defendant's Motion for Leave to Amend;
- 9) Defendant Battens Plus, Inc.'s Reply to Opposition for Leave to Amend.

Dated: April 10, 2006

Respectfully submitted,



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